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EXAMINER

VILLECCO, JOHN M

| ART UNIT | PAPER NUMBER |
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2612

8

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/362,715

Applicant(s)

YUKAWA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION II

Response to Arguments

1. Applicant has overcome the 112, 2nd paragraph rejections presented in the previous office action.
2. Regarding claim 16, applicant is correct in asserting that the 112, 2nd paragraph rejection has no basis for rejection in the office action. This appears to be a typographical error on the part of the examiner. Accordingly, the 112, 2nd paragraph rejection from the previous office action is hereby withdrawn.
3. Applicant's arguments filed September 15, 2003 have been fully considered but they are not persuasive.

Regarding claim 5, applicant argues that Hamada fails to disclose a controller for driving the taking lens to a focus position where in-focus condition is substantially obtained for distant to close range view. However, it is submitted that Toyofuku discloses a controller for driving the taking lens to a focus position. Hamada is used to disclose that it is well known in the art to move a focus lens to a useable position upon power up of an entire camera system. In Toyofuku, when it is determined in the lens barrier (52) is opened and the LCD switch is pressed the lens is moved to a pan focus position. Although Hamada does not specifically disclose moving the lens to an in-focus state, Hamada teaches moving the lens to a frequently used focal length upon power-up. This insinuates that the camera is tracking focal lengths of each of the images taken by the user, and driving the lens to a position that is very close to an in-focus position.

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Furthermore, Toyofuku is used to show the limitation of driving a lens to an in-focus state. By driving the lens to an in-focus position upon power up, the camera is ready to take pictures immediately. Additionally, it would have been obvious to move the lens to an in-focus position upon startup so that, if requested, an image can be displayed as soon as the camera is powered up.

4. As for claims 14 and 16, applicant has amended the claims in some form to stress limitation of determining whether display of the image captured is requested when power supply to the camera is started. This appears to be the same limitation as mentioned in claim 5. Please see the discussion of claim 5 above.

5. Claim 1 has not been amended but applicant maintains the same argument that was discussed above in the discussion of claim 5. Please see the discussion of claim 5 mentioned previously.

6. Regarding claim 11, applicant argues that the combination of Toyofuku and Isoguchi fails to disclose driving a lens to the focus position immediately after recording of an image is performed. While it is agreed that the lens is driven to infinity after a recording operation, Isoguchi does disclose moving the lens to an initial position after recording an image. Toyofuku teaches moving the lens to an in-focus position so that an image can be displayed properly. Therefore, it would have been obvious to one of ordinary skill in the art to move the lens of Toyofuku to the in-focus position after recording an image so that a camera is quickly reset and capable of capturing another image.

7. For the reasons stated above the rejections from the previous rejection will be repeated.

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8. Additionally, applicant has added claim 17. Please see below for the rejection of claim 17.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (U.S. Patent No. 5,819,120) in view of Toyofuku (U.S. Patent No. 6,166,765).

11. Regarding *claim 1*, Hamada discloses that it is well known in the art to use a retractable lens camera that upon startup drives a lens to a useable position. When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A). The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. See column 3, lines 60-67.

Hamada, however, fails to disclose this arrangement in an electronic camera that includes a display device. Toyofuku discloses an electronic camera that drives a lens to an in-focus position and includes a display monitor (57) for displaying an image picked up by a CCD (7). It is well known in the art that electronic cameras are a very convenient way to capture images. They provide for quick capture and review of images. Furthermore, a display monitor incorporated in the camera allows for instantaneous review of captured images. Toyofuku

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discloses driving the lens to an in-focus condition before displaying the images on the LCD.

Therefore, it would have been obvious to use a digital camera with the lens arrangement of Hamada so that the user can quickly capture and review images upon startup.

12. As for *claim 2*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25.

13. With regard to *claim 3*, as shown in Figure 1 of Hamada, when the lens is in the retracted state, the lens is behind the wide end limit. This wide end corresponds to the limit of a normal shooting range. Therefore, the lens of Hamada is outside a normal shooting range when the camera is deactivated.

14. **Claims 5-9 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyofuku (U.S. Patent No. 6,166,765) in view of Hamada et al. (U.S. Patent No. 5,819,120).**

15. Regarding *claim 5*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an

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LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

However, Toyofuku fails to disclose that driving of the taking lens is performed when power supply to the camera is started. Hamada, on the other hand, discloses that it is well known in the art to use a retractable lens camera that upon startup drives a lens to a useable position. When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A). The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. By driving the lens to the pan focus position when the camera is started, the camera is placed into a useable state as soon as the power is turned on. Therefore it would have been obvious to one of ordinary skill in the art to drive the lens of the camera to a useable state upon power up so that a photographing operation can be performed upon startup.

16. As for *claim 6*, in Toyofuku, after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

17. As for *claim 7*, in Toyofuku, when the LCD switch (58) is depressed, it is interpreted that the driving of the display device is started. When the switch is depressed, the lens moves to a pan focus position.

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18. With regard to *claim 8*, Toyofuku discloses that after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

19. As for *claim 9*, Toyofuku discloses that the display is driven when the LCD switch (57) is depressed. The LCD switch (57) is a manual operation member.

20. Regarding *claim 14*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

However, Toyofuku fails to disclose that driving of the taking lens is performed when power supply to the camera is started. Hamada, on the other hand, discloses that it is well known in the art to use a retractable lens camera that upon startup drives a lens to a useable position. When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A). The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. By driving the lens to the pan focus position when the camera is started, the camera is placed into a useable state as soon as the power is turned on. Therefore it would have been obvious to one of ordinary skill in the art to

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drive the lens of the camera to a useable state upon power up so that a photographing operation can be performed upon startup.

21. With regard to *claim 13*, the camera display receives the image through the taking lens unit and the image-sensing device. Furthermore, the controller (66) operates to move the lens to the in focus position (pan focus position).

22. As for *claim 15*, when the LCD switch (58) is depressed it is interpreted that the driving of the display device is started. When the switch is depressed, the lens moves to a pan focus position.

23. Regarding *claim 16*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30). More specifically, as shown in Figure 24, in step S18, it is determined whether display by the display monitor (57) is requested. If display is requested then the lens is driven to the pan focus position (S19), and then the display monitor displays the image (S22).

However, Toyofuku fails to disclose that driving of the taking lens is performed when power supply to the camera is started. Hamada, on the other hand, discloses that it is well known

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in the art to use a retractable lens camera that upon startup drives a lens to a useable position.

When the power switch (28) is turned on, the lens barrel (14) is brought to an initial position (A).

The CPU (32) of Hamada serves as the controller for driving the lens. Although Hamada only discloses the use of a film camera, it would have been obvious to one of ordinary skill in the art to implement this type of arrangement in a digital camera. By driving the lens to the pan focus position when the camera is started, the camera is placed into a useable state as soon as the power is turned on. Therefore it would have been obvious to one of ordinary skill in the art to drive the lens of the camera to a useable state upon power up so that a photographing operation can be performed upon startup.

24. Claims 10, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyofuku (U.S. Patent No. 6,166,765) in view of Isoguchi et al. (U.S. Patent No. 4,963,985).

25. Regarding *claim 10*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

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However, Toyofuku fails to disclose that the lens is driven to the in focus position after recording of the image is performed. Isoguchi, on the other hand, discloses that it is well known in the art to drive a lens to its initial position after a photographing operation is completed. See column 23, lines 66-68 and column 24, lines 28-31. By driving the lens to the initial position after a photographing operation, the camera is placed into condition for taking another photograph, thus facilitating quicker photo-taking operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the lens of Toyofuku to an the initial position after recording an image so that it is reset and capable of quickly capturing another image.

26. Regarding *claim 11*, after the lens is moved to the pan focus position the captured image is displayed on the display monitor (57).

27. With regard to *claim 17*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position. The pan focus position corresponds to the pan focus condition pointed out by the applicant. After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

However, Toyofuku fails to disclose that the lens is driven to the in focus position after recording of the image is performed. Isoguchi, on the other hand, discloses that it is well known

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in the art to drive a lens to its initial position after a photographing operation is completed. See column 23, lines 66-68 and column 24, lines 28-31. By driving the lens to the initial position after a photographing operation, the camera is placed into condition for taking another photograph, thus facilitating quicker photo-taking operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to drive the lens of Toyofuku to an the initial position after recording an image so that it is reset and capable of quickly capturing another image.

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to:

(703) 308-6306, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
11/21/03



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